



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL PUBLIC HEALTH
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December 23, 2013

TO: Michelle Davis, Executive Director
Washington State Board of Health

FROM: Maryanne Guichard, Assistant Secretary
Division of Environmental Public Health

SUBJECT: RULEMAKING AUTHORITY DELEGATION REQUEST
Chapter 246-282 WAC, Sanitary Control of Shellfish

The Department of Health requests the board's delegation of rule-making authority to amend Chapter 246-282 WAC, Sanitary Control of Shellfish. During the most recent revision of the chapter to adopt the 2011 version of the National Shellfish Sanitation Program Guide, we received a comment that not all references to the guide were consistent throughout the chapter. The department would like to amend the rules to address this comment and make the rules clear and consistent.

State Board of Health Delegation Criteria

The board's "Policy for Considering Delegation of Rule to the Department of Health" provides the following elements for consideration. The following criteria apply:

- ***The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion:*** This proposed rule amendments will provide clarity in reference to the 2011 National Shellfish Sanitation Program Guide.
- ***The extent to which the proposed rule may make significant changes to a policy or regulatory program:*** Changes to the state regulation will be limited to those needed for clarity and consistency. No significant changes will be proposed.
- ***The extent to which the rule revision process would benefit from the board's role as a convener of interested parties:*** The department does not expect this rule revision to be controversial. Stakeholders will be notified of the proposed amendments and the public hearing. Stakeholders will also be given multiple options to provide comments including submitting written comments, posting comments to the department's rules comment website, and provide comments orally at the public hearing.